

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MITCHELL WHITE

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CRIMINAL NO. 18-101-6

ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of the Government's Motion to Dismiss Superseding Indictment, it is hereby ORDERED that Indictment No. 18-101 is dismissed without prejudice, only as to defendant Mitchell White.

BY THE COURT:

HON. GENE E.K. PRATTER
Judge, United States District Court

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CRIMINAL NO. 18-101-6

GOVERNMENT'S MOTION TO DISMISS SUPERSEDING INDICTMENT

The United States of America, by its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, and Mary Kay Costello and Christopher E. Parisi, Assistant United States Attorneys for the district, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, moves this Court to dismiss the superseding indictment, only against defendant Mitchell White, and in support of its motion states:

1. On January 9, 2019, defendant Mitchell White, along with several other defendants, was charged in a superseding indictment with maintaining drug-involved premises at Advanced Urgent Care ("AUC"), and aiding and abetting, in violation of 21 U.S.C. § 856, and conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846. Defendant White was charged in Counts One, Two, Three and Five of the superseding indictment. As charged in the superseding indictment, AUC operated multiple medical facilities in the Eastern District of Pennsylvania through which medically unnecessary controlled substances were illegally distributed. The charges against defendant White arose from his employment at AUC.

2. Trial in this matter commenced on January 9, 2023. On January 24, 2023, the jury returned verdicts of not guilty on Counts One, Two and Three. The jury was not able to reach a verdict on Count Five and the Court declared a mistrial.

3. After continuing to investigate and assess the evidence against this defendant, the government has determined that dismissal of the remaining charge against defendant White is just and proper and promotes the most efficient use of prosecutorial and judicial resources.

4. Under these circumstances, and after careful consideration, the government believes that dismissal of the superseding indictment against this defendant is in the interests of justice.

WHEREFORE, the government respectfully requests that the Court dismiss the superseding indictment only against defendant Mitchell White, without prejudice.

Respectfully submitted,


JACQUELINE C. ROMERO
United States Attorney

/s/ Mary Kay Costello
MARY KAY COSTELLO
CHRISTOPHER PARISI
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that the Government's motion to dismiss superseding indictment has been served on the filing user identified below through the Electronic Case Filing (ECF) system:

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/s/ Mary Kay Costello
MARY KAY COSTELLO
Assistant United States Attorney

Date: April 6, 2023